

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

PATRICIA KAMMEYER, et al.

NO. 1:01-CV-649

Plaintiff

(Judge Spiegel)

vs.

CITY OF SHARONVILLE, et al.

**AFFIDAVIT OF RICHARD J.  
GIBSON, ASSISTANT  
PROSECUTING ATTORNEY**

Defendants

STATE OF OHIO )

)SS:

COUNTY OF HAMILTON )

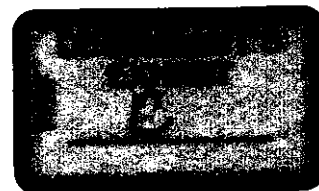
Now comes the undersigned Richard Gibson Hamilton County Assistant Prosecuting Attorney and after being first duly cautioned and sworn deposes as follows:

1. That he is currently an attorney-at-law licensed to practice in the State of Ohio and is employed by the Hamilton County Prosecutor's Office and is an Assistant Prosecuting Attorney. He has held that position since 1983.

2. That in 1998 he was assigned as the trial prosecutor on the case of *State of Ohio v. Albert Schuholz*, Case No. B-9805045 Hamilton County Common Pleas Court.

3. The aforesaid case involves a pending indictment against Albert Schuholz for (4) four counts of Aggravated Murder. In the pending murder case in Hamilton County there has been no written request made upon Hamilton County by Albert Schuholz or his counsel pursuant to Ohio Criminal Rule 16.

4. Currently the Defendant Albert Schuholz is incarcerated in federal custody in the Federal Medical Center, in Springfield, Missouri awaiting sentencing on an attempted murder charge of which he was convicted in the federal jurisdiction in the State of Kentucky. He has been declared



incompetent in the federal case and will be sentenced upon his restoration to competency and returned to Hamilton County for prosecution in the aforesaid indictment.

5. Hamilton County has a holder on Albert Schuholz and upon his restoration to competency and sentencing on the federal charge he will be immediately transferred to Hamilton County and tried for the aforesaid murder indictment pursuant to the aforesaid holder.

6. That there is maintained in the Office of the Hamilton County Prosecutor a file relating to the prosecution of Albert Schuholz on the aforesaid indictment on (4) four counts of Aggravated Murder.

7. Contained in that file are information and materials that relate to the investigation that resulted in the murder indictment and prosecution of Albert Schuholz.

8. All of the information and materials in that file relate to how to successfully prosecute the aforesaid case against Albert Schuholz and said information and materials were considered by me in forming my decision about the theory of the case and my judgment on what steps to take in successfully prosecuting the case.

9. The disclosure of the materials and information as requested in the subpoena duces issued to Michael K. Allen and the subpoena issued to Terry Gaines (former Assistant Prosecutor) and John Jay (investigator) would greatly compromise my ability to successfully prosecute the criminal murder case against Albert Schuholz and others that might be determined to be involved.

10. None of documents in the file have been disclosed to third parties.

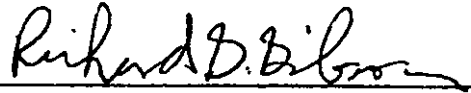
11. All the materials and information was prepared and/or compiled either by me or for me in anticipation of preparing for and then successfully prosecuting the aforesaid murder case against Albert Schuholz and comprise my work product and are protected from disclosure by both

the work-product privilege and the attorney-client privilege.

12. All of the information and materials in the file were considered and/or relied upon by me in forming the decisions about the strategy I would employ to successfully prosecute the case.

13. All of the information and materials in the file have been acquired and maintained in the file based on my judgment that such are relevant and necessary to the successful prosecution of the case.

FURTHER AFFIANT SAYETH NAUGHT.



Richard J. Gibson  
Assistant Prosecuting Attorney

Sworn to and subscribed before me a Notary Public this 11 day of October, 2004.



  
Notary Public

CAROLYN D. BLOCKSOM  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 05-18-05

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document was served by upon each party or attorney of record in the proceedings by ordinary U.S. mail or electronically on this \_\_\_\_<sup>th</sup> day of October, 2004.

/s/Mark C. Vollman 0007040

Assistant Prosecuting Attorney